

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEBORAH HOLMES and
GERALD HOLMES,

Plaintiffs,

CASE NO. 2:20-CV-11390

v.

HON. GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

POLARIS INC.,

Defendant.

/

**ORDER DENYING PLAINTIFFS'
MOTION FOR RECONSIDERATION (ECF No. 30)**

The matter is before the Court on plaintiffs' motion for reconsideration of the Court's order granting defendant's motion for partial summary judgment (ECF No. 29). The Court determined that plaintiffs' negligence claim against Polaris as the owner of the snowmobile is subject to the noneconomic damages cap under Michigan's Product Liability Statute, MCL §§ 600.2945-2949a because the essence of the claim is based on products liability.

The local rules of this district allow a party to file a motion for reconsideration. E.D. Mich. LR 7.1 (g). A motion for reconsideration should be granted if the movant demonstrates a palpable defect by which the court and the parties have been misled and show that correcting the defect will

lead to a different disposition of the case. See *DirecTV, Inc. v. Karpinsky*, 274 F. Supp. 2d 918, 921 (E.D. Mich. 2003). However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001).

In the present case, plaintiffs reiterate arguments previously made in support of their motion for reconsideration. These arguments were considered by this Court when it granted defendant's motion for partial summary judgment. Plaintiffs' motion for reconsideration is denied, because plaintiffs merely present issues already ruled upon by this Court.

IT IS HEREBY ORDERED that plaintiffs' motion for reconsideration (ECF No. 30) is DENIED.

Dated: March 29, 2022

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 29, 2022, by electronic and/or ordinary mail.

s/Brianna Sauve
Deputy Clerk